UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,664	12/28/2001	Mark Muhlestein	112056-0022	4613

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EXAMINER
NGUYEN, THAN VINH

ART UNIT	PAPER NUMBER
2187	

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 August 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *6-11,13-17,20,23 and 26-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *6-11,13-17,20,23 and 26-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This is a response to the amendment, filed 8/15/06.

2.   Claims 6-11, 13-17, 20,23, and 26-30 are pending.

Continued Examination Under 37 CFR 1.114

3.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 8/15/06 has been entered.

Response to Amendment/Arguments

4.   Applicant's arguments with respect to claims 6-11, 13-17, 20,23, and 26-28 have been

considered but are moot in view of the new ground(s) of rejection.   Applicant's amendment

introduced new limitations that were not previously addressed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 6-11, 13-17, 20,23,26-30 are rejected under 35 U.S.C. 102(e) as being anticipated

by Wesinger, Jr. et al (US 2001/0011304 A1), hereinafter as Wesinger.

As to claim 6,20,23,26-30:

6.   Wesinger teaches a method and means for creating and maintaining a plurality of virtual

servers within a server, the method comprising the steps of:

        partitioning resources of the server to establish an instance of each virtual server by

allocating units of storage and network addresses of network interfaces of the server to each

instance of the virtual server, and sharing an operating system and a file system of the server

among all of the virtual servers (implementing a physical machine into multiple virtual hosts;

2/23-24);

        enabling controlled access to the resources using logical boundary checks and security

interpretations of those resources within the server by comparing configuration information of a

unit of storage requested by a particular vserver with the resources allocated to that particular

vserver (performing access control to allocated resources; 3/39-41); and

        providing a virtual server context structure including information pertaining to a security

domain of the virtual server (rules database in configuration file; 2/23-241 3/38-41).

As to claim 7:

7.   Wesinger teaches the step of providing a vfstore list of the virtual server context

structure, the vstore list comprising pointers to vfstore soft objects, each having a pointer that

references a path to a unit of storage allocated to the vfiler (configuration file; 2/23-24; 3/38-39).

As to claim 8:

Wesinger teaches providing a vfnet list of the virtual server context structure, the vfnet list comprising pointers to vfnet soft objects, each having a pointer that references an interface address data structure representing a network address assigned to the virtual server (each virtual host has different IP address; 3/39).

As to claim 9-10,15,16:

8.   Wesinger teaches performing a virtual server boundary check to verify that a virtual server is allowed to access certain storage resources of the filer (security access check; 4/48-51).

As to claim 11:

9.   Wesinger teaches determining whether the virtual server is authorized to access the unit of storage; if the virtual server is not authorized to access the requested unit of storage, immediately denying the request (deny unauthorized request; 4/51); otherwise, allowing the request; and generating file system operations to process the request (process authorized request; 4/52).

As to claim 13,14,17:

10.   Wesinger teaches a system adapted to create and maintain a plurality of virtual servers within a server, the system comprising:

a storage media configured to store information as units of storage resources, the units of storage resources allocated among each of the virtual servers (physical machine partitioned into virtual hosts; Fig. 1; 2/23-24);

one or more network interfaces assigned one or more network address resources, the network address resources allocated among each of the virtual servers (each virtual host has separate network address; 2/24; 3/39);

an operating system having a file system resource adapted to perform a boundary check

to verify that a request is allowed to access to certain units of storage resources on the storage

media, each virtual server allowed shared access to the file system, where the boundary check is

performed by comparing configuration information of a unit of storage requested by a particular

vserver with the one or more units of storage resources and the one or more network address

resources allocated to that particular server (perform security access control to storage resources;

3/39-41);

a context data structure provided to each virtual server, the context data structure

including information pertaining to a security domain of the virtual server that enforces

controlled access to the allocated and shared resources (rules database in configuration file

enforcing access control; 2/23-24; 3/38-41); and

a processing element coupled to the network interfaces and storage media, and

configured to execute the operating and file systems to thereby invoke network and storage

access operations in accordance with results of the boundary check of the file system (physical

network resource to perform storage access operations; Fig. 1; 2/23-24;4/52).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Than Nguyen whose telephone number is 571-272-4198. The

examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Donald Sparks can be reached on (571) 272-4201. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Than Nguyen
Primary Examiner
Art Unit 2187